

# Town of Lovettsville

## PUBLIC HEARING

**TO:** Planning Commission

**FROM:** Stephen E. McGregor, Zoning Administrator

**DATE:** April 7, 2010

**SUBJECT:** **LVCU 2010-0001 Bernhart Corner Veterinary Hospital –**  
Conditional Use Permit

CONCURRENT WITH:

**LVZA 2010-0004 Veterinary Hospital Use –** Zoning Ordinance  
Amendment

**PURPOSE:** To provide an evaluation with draft recommendations for a public hearing discussion scheduled for April 7, 2010 to consider granting a conditional use permit to Bernhart Corner LLC for a veterinary hospital at 2 East Broad Way.

**PROPOSAL and DESCRIPTION OF THE SITE:** Bernhart Corner (LLC) has applied for a conditional use permit to operate a veterinary hospital in an existing building at 2 East Broad Way. The property identification number is 369107761 and it is zoned C-1. The property is .34 acres at the intersection of Berlin Turnpike opposite the Town Square and East Broad Way. The existing building has 1,645 gross square feet, not including the outdoor loading platform. The existing building, which formerly housed the post office, is proposed to be renovated in order for a tenant to operate a veterinary hospital. The applicant is offering to provide some landscaping and fencing features on the site, as indicated in the request letter and a sketch of the proposal (revised March 31). The proposed landscaping features include:

- Three (3) forsythia bushes along the eastern property boundary (next to the existing sidewalk).
- Two (2) large trees (existing) along the eastern property boundary (next to the existing sidewalk).
- Shrubs along the fenced pen.
- Fence (8'X6') to screen existing fuel tank facing the western property boundary and Berlin Pike.
- Two (2) ornamental grasses at either end of the fence screening the fuel tank.
- Raised flower bed (27'X3') along East Broad Way frontage
- Three (3) dwarf evergreens on the northwest corner of the property at the intersection of Berlin Pike and East Broad Way.
- Two (2) large flower buckets (planters) on the sidewalk running along the west façade of the existing structure.

It should be noted that a portion of the site is in the public road right-of-way, which at some point will be vacated by VDOT because of the realignment of Berlin Pike for the Town Square. Some existing parking spaces on the site are in the right-of-way. There are an indeterminate number of parking spaces on the property because some of the spaces currently used are in the current ROW and others are shared with the adjacent restaurant site.

**ANALYSIS:** In order for the Town to meet the applicant's request for a veterinary hospital on the subject property the property would have to be either rezoned to C-2, which permits the use "by-right", or, the C-1 district would have to be amended to include the use. The applicant chose to ask for the C-1 district to be amended with the understanding that the change would mean the use would be permitted conditionally so the Town can exercise some control of the external features of the new facility. Therefore, this conditional use permit application is being evaluated and scheduled for public hearing concurrently with the Zoning Ordinance amendment to include the use in the C-1 district. The ordinance amendment has to be approved before the conditional use permit can be considered for approval.

As stated in the discussion section of LVZA 2010-0004 Veterinary Hospital Use Zoning Ordinance Amendment, the purpose and intent of the C-1 district would accommodate the veterinary hospital use. Assuming that the ordinance amendment is approved as proposed the veterinary hospital use proposed in this application would be a beneficial use in the Town as there is no veterinary service in the Town. Generally, the site can accommodate the use given the existing building and parking.

The site, however, has some deficiencies in terms of visual amenity. The Town Plan has the following Town-wide policy in the Land Use chapter under Implementation Policies (5<sup>th</sup> bullet) that states:

"Encourage landscaping and beautification in existing and new developments."

This policy applies to this site and this application. The landscaping improvements proposed by the applicant will add to the visual improvement of the facility but it would be more beneficial to the community if they were slightly altered. This site is one of the most visible in the Town and it is barren of vegetation. The building is stark without many windows or relief from the brick façade, which has the visual impact of a two story wall. The proposed landscaping helps the visual amenity of the site but instead of three forsythia bushes placed along the eastern boundary of the property next to the existing sidewalk it would be better to have a continuous row of evergreen shrubs along the façade in order to help soften the harsh appearance of this façade. Also, because of the location of the western façade there should be four, not two large planters with evergreen shrubs.

Planted landscaping takes time to install and has to be done only at certain times of the year. Therefore, permanent landscaping additions do not need to be installed upon occupancy. Four months is a reasonable amount of time to complete these improvements from the time of approval of the permit. A sign permit for both the

screening fence in front of the fuel tank and the picket fence around the dog walk should be submitted at the time the occupancy permit is submitted. The fence design, including materials and color, should be included in the application.

The Zoning Ordinance requires five parking spaces (one for every 300 square feet of the facility). There are more than enough parking spaces serving the site, even without those now located in the ROW. There is some expectation that the existing ROW when vacated by VDOT may accrue to the subject property.

**RECOMMENDATIONS:** If the Zoning Ordinance is amended to conditionally permit the veterinary hospital use the following conditions should apply for this application:

1. The veterinary hospital should comply with provisions in Article 3, Section 3-11 Commercial and Light Industrial Districts – General, paragraph (f) General Standards for Certain Uses, paragraph (i) Veterinary Hospitals.
2. The exterior of the existing structures can only be altered to comply with the requirements of a building permit or building code safety requirements. Any exterior improvements shall comply with applicable major or minor improvements permits requirements of the Zoning Ordinance.
3. The applicant shall install four (4) large (36" minimum diameter) planters with evergreen plantings at least three (3) feet high (from the top of the planter) at planting on the existing sidewalk next to the western façade of the existing building. A continuous row of evergreen shrubs should be planted along the sidewalk along the east façade in addition to the two existing trees. Shrubs should be at least two (2) feet high at planting. A continuous row of evergreen shrubs, at least three feet high at planting, should be planted along the border of the dog walk. Two (2) tall ornament grasses should be planted at either end of the screening fence in front of the fuel tank. A raised flower bed, 27 feet by 3 feet should be planted in the front of the existing structure along the East Broad Way frontage. Three (3) dwarf evergreen trees or shrubs, at least two feet high at planting, should be planted near the intersection of Berlin Pike and East Broad way.
4. All plantings described in these conditions shall be installed no later than four (4) months from the date of approval of this conditional use permit.
5. As stated in section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
6. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
7. Ten business days prior to occupancy the applicant shall file a zoning certificate permit application with the Town for a conversion of use, a County required occupancy permit application and a fence application for the screening fence in front of the fuel tank and the picket fence around the dog walk.

8. This conditional use permit is not transferable from one tenant to another regardless of the type of business involved.

**DRAFT MOTION:** "I move that the Planning Commission recommend to the Town Council that the Council approve the use and recommended conditions presented in item LVCU 2010-0001 Bernhart Veterinary Hospital, at the April 7, 2010 public hearing."

**ATTACHMENTS:** 1) Request letter from Peter Pruckowski, March 13, 2010  
2) Revision to Pruckowski request, March 31, 2010

March 13, 2010

Keith Markel  
Town Manager  
Lovettsville VA, 20180

Dear Keith,

Please excuse the paper work job. It was quite a rush to get it all together. I have enclosed a letter to you requesting to modify the C-1 zoning to accept a veterinary clinic with a conditional use permit. An application for a zoning certificate which may need additional information such as "inside use" and "outside use" is also included. Inside, there is an area of 1645 sq.ft., which will be used to provide veterinary services (i.e. exams, vaccinations, surgeries, medical treatments and hospitalized care.) Outside area of 250 sq. ft. will be used as a walking area for dogs needing to eliminate. It will be fenced (white picket to match the square.) There will be no outside runs.

The application for the conditional use permit for a veterinary clinic requires some additional information. On the plat labeled #1 Fred George has outlined the parcel in question. There will not be a division of the parking lot shared with Andy's. The parking spaces are drawn close to scale and total 19. The distances to the other properties are to the east 12 feet and to the southeast 37 feet. The front door is marked and it will be the route of entrance for clients and employees. The back door over the loading dock will be used for deliveries and possibly critical cases that cannot walk through the front door as well as patients needing to be walked during their stay. As stated before, a veterinary clinic provides services for cats and dogs to maintain a healthy life and reduce and eliminate disease if possible. The dog walk has been addressed. I could not find an application for a fence permit online and I would be happy to file one with the town.

The beautification plan (see plat marked #2) will encompass a 3ft. by 27.5 ft. flower bed in the front of the building composed of bulbs, perennials and annuals. A forsythia bush will marked the east boundary, Ornamental grass will be placed along side the outside oil tank, which will have a fence like barrier to deflect its unsightliness. The outside dog walk with picket fencing will also have a hedge row. And finally, the northwest corner (which still belongs to VDOT) will have some evergreen trees.

I hope I have covered everything. The sign permit is premature pending the zoning modification. I have included it with the other documents but without a fee. It is there for your perusal. The long sign on the west wall will be lighted. It will read LOVETTSVILLE VETERINARY CLINIC. A monument sign will be in the front of the building and have changeable letters to detail special events. A plaque-like wall sign will be placed to east side of the front door. Hours of operation will be included in the monument sign and on the front door.

One last thing, there are no fees stipulated for the applications other than the sign permit. I hope I am not overlooking anything. Please let me know if any fees are due and do not let my ignorance of this matter cause any delay in the application procedure. I look forward to hearing from you soon to discuss any omissions of my application.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Pruckowski". The signature is fluid and cursive, with a large initial "P" and a stylized "Pruckowski".

Peter Pruckowski DVM

MAR 15 2010

March 31, 2010

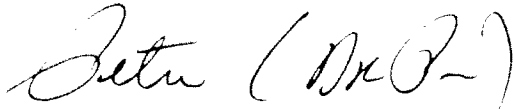
Dear Steve,

Please see proposed placement of shrubs, flowers, grasses, and fences. See numbers on plat for identification and positioning.

1. 3 forsythia bushes along east boundary
2. 2 large trees, already present, along east boundary
3. shrub border along fenced in pen
4. privacy fence, 8'x6', to shield fuel tank on west side of building
5. 2 ornamental grasses on west side of building
6. raised flower bed, 27'x3', to include bulbs, annuals, and perennials
7. 3 dwarf evergreens on northwest corner
8. 2 large flower buckets on the west side of building

B. white picket fence, 25'x10', east side of building

Talk to you soon,

A handwritten signature in cursive script that reads "Seth (Dr. Q)". The signature is written in black ink and is positioned below the text "Talk to you soon,".

